

REMARKS

The Office action dated April 3, 2002 has been carefully considered. Claims 1-38, including amended claims 1, 2, 10, 12-24, and new claims 31-38, are currently pending in this Application and are presented for the Examiner's review and consideration. No new matter has been added by any amendment made herein.

I. DRAWINGS

The drawings were objected to as "failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference sign '211' in figure 4, reference signs '317' and '318' in figure 6, reference sign '33' in figure 9, and reference sign '520' in figure 11." In response, Figure 4 has been amended, as indicated in red, to include reference sign "211"; Figure 6 has been amended, as indicated in red, to include reference signs "317" and "318"; Figure 9 has been amended, as indicated in red, to include reference sign "33"; and Figure 11 has been amended, as indicated in red, to include reference sign "520". No new matter has been added by these changes. These changes are being submitted for the Examiner's consideration and approval, and formal revised drawings will be submitted to the Draftsman upon the Examiner's approval. Thus, Applicant respectfully requests that the Examiner's objection under 37 CFR 1.84(p)(5) be withdrawn.

The drawings were also objected to as "failing to comply with 37 CFR 1.84(p)(4) because reference character '322' has been used to designate both a loop in figure 5 and a hole in figure 6." In response, and as indicated in red on the respective Figures, reference character "322" of Figure 5 has been replaced with reference character "322A"; and reference character "322" of Figure 6 has been replaced with reference character "322B". No new matter has been added by these changes. These changes are being submitted for the Examiner's consideration and approval, and formal revised drawings will be submitted to the Draftsman upon the Examiner's approval. Thus, Applicant respectfully requests that the Examiner's objection under 37 CFR 1.84(p)(4) be withdrawn.

The drawings were also objected to “under 37 CFR 1.83(a) because they fail to show an angle ‘15’ from about 30 to about 90 degrees as described in the specification on page 4, line 32.” Applicant submits that the angles 15 and 315 were accidentally and obviously mis-positioned in the drawings. In response, Figures 1, 5, 7, and 9 have been amended so that angles 15 and 315 are properly labeled. No new matter has been added by these changes. These changes are being submitted for the Examiner’s consideration and approval, and formal revised drawings will be submitted to the Draftsman upon the Examiner’s approval. Thus, Applicant respectfully requests that the Examiner’s objection under 37 CFR 1.83(a) be withdrawn.

Figures 1, 5, 7, and 9 have further been amended to indicate interior angle 35, which was inherent in Applicant’s specification and in Figures 1, 5, 7, and 9 as originally filed. No new matter has been added by these changes. These changes are being submitted for the Examiner’s consideration and approval, and formal revised drawings will be submitted to the Draftsman upon the Examiner’s approval.

II. SPECIFICATION

The specification was objected to for certain informalities. In response, these informalities have been corrected according to the Examiner’s suggestions. In addition, the specification has been revised to correct further minor typographical and grammatical drafting errors. Applicant, therefore, respectfully requests that the Examiner’s objections relating to such informalities be withdrawn.

In the Brief Description of the Drawings, the descriptions of Figures 6 and 7 have been amended to more clearly describe Figures 6 and 7.

With regard to the retaining devices illustrated in Figures 5 and 6 and described in the specification, the Examiner objected to the use of reference character “322” “to designate both a loop in figure 5 and a hole in figure 6.” Thus, reference character “322”

has been replaced with reference characters “322A” and “322B” in Figures 5 and 6, respectively, and the specification has been amended accordingly.

As discussed above, the angles 15 and 315 of Figures 1, 5, 7, and 9 were accidentally and obviously mis-positioned in the drawings. In response, Figures 1, 5, 7, and 9 have been amended so that the angles 15 and 315 are properly labeled. In addition, the specification and drawings have been amended to indicate interior angles 35 and 335 and to expressly state that the angles 15 and 315 are exterior angles. This amended information was inherent in Applicant’s specification and in Figures 1, 5, 7, and 9 as originally filed. No new matter has been added by these changes.

III. CLAIM OBJECTIONS

Claims 2, 12, 13, and 24 were objected to “because of the following informalities: In claims 2, 13, and 24, ‘the round end’ should be --the round end of the tear-drop-- in order to ensure clarity of the statement. In claim 12, line 12, ‘bent at he intermediate section’ should be --bent at the intermediate section--, and in line 15, ‘first end section of the place’ should be --first end section of the plate--.” These informalities have been corrected according to the Examiner’s suggestions in order to more clearly describe the invention. Thus, Applicant respectfully requests that the Examiner’s objections to claims 2, 12, 13, and 24 be withdrawn. Applicant submits that the amendments to the claims recited above are for clarity, do not narrow the claims in any way, and should not be construed to have an estoppel effect on the interpretation and/or scope of the claims.

IV. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 1, 12, and 23 were rejected “under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.” Specifically, claims 1, 12, and 23 state that “an angle from about 30° to about 90° is formed between the plane formed by the first end section of the plate and the plane formed by the second end section of the plate.” The Examiner states that

“the drawings fail to illustrate this angle. . . . The specification, in conjunction with the drawings, therefore fails to describe the subject matter in such a way as to enable one skilled in the art to make or use the invention.”

As discussed above, the angles 15 and 315 of Figures 1, 5, 7, and 9 were accidentally and obviously mis-positioned in the drawings. In response, Figures 1, 5, 7, and 9 have been amended so that the angles 15 and 315 are properly labeled. In addition, the specification and drawings have been amended to indicate interior angles 35 and 335 and to expressly state that angles 15 and 315 are exterior angles. This amended information was inherent in Applicant’s specification and in Figures 1, 5, 7, and 9 as originally filed. No new matter has been added by these changes.

Further, claims 1, 12, and 23 have been amended by changing the recitation of “an angle from about 30° to about 90°” to the recitation of “an interior angle from about 90° to about 150°.” These amendments to claims 1, 12, and 23 merely make express what was implicit in these claims as originally worded and do not affect the patentability or scope of these claims. *See Interactive Pictures Corp. v. Infinite Pictures, Inc.*, 274 F.3d 1371, 1377-78 (Fed. Cir. 2001) (an amendment that merely makes explicit what was implicit in a claim is not a narrowing amendment, is not made for a substantial reason related to patentability, and does not create prosecution history estoppel). Thus, Applicant respectfully submits that the drawings, as amended, adequately illustrate the angles 35 and 335, which are within the scope of amended claims 1, 12, and 23, and that the specification, in conjunction with the amended drawings, adequately describes the claimed subject matter in such a way as to enable one skilled in the art to make or use the invention.

Claim 23 was rejected “under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Specifically, claim 23 as originally filed recited “an opening formed in the first end section of the plate, wherein the opening *commutes with* one side of the plate.” Page 12, lines 31-32 (emphasis added). The Examiner states that “the use of the term ‘commutes’ is unclear” and that “the term ‘commutes’ is not used in the specification, so it is unclear what applicant intends to mean by this word.”

Applicant has amended claim 23 so that “commutes with” is replaced with “extends to.” Support for this amendment may be found in the specification, at least, at page 8, lines 17-18, wherein the specification states the following: “Additionally, opening 416 is designed such that one side of the tear-drop extends to the edge of plate 411” Thus, Applicant submits that claim 23, as amended, is in full compliance with 35 U.S.C. § 112. Applicant, therefore, respectfully submits that the Examiner’s rejections of claims 1, 12, and 23 based on 35 U.S.C. § 112 should be withdrawn.

Applicant submits that the amendments to the claims recited above are for clarity, do not narrow the claims in any way, and should not be construed to have an estoppel effect on the interpretation and/or scope of the claims.

V. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

A. U.S. Patent No. 5,241,719 to Memmelaar (“Memmelaar”)

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Memmelaar, which discloses a can opener “for removing lids from large cans or buckets.” Memmelaar, Column 1, lines 8-9.

Applicant submits that a person of ordinary skill in the art, seeking to solve the problem solved by the present invention -- *i.e.* to create a compact and readily adjustable gun rest -- would not look to the lid removal tool for rapidly removing sealed covers from large cans or buckets disclosed in Memmelaar. Such a lid removal tool is not in the field of Applicant’s endeavor and is not reasonably pertinent to the particular problem with which Applicant was concerned. As stated by the United States Court of Appeals for the Federal Circuit in *In re Oetiker*, 977 F.2d 1443, 1448 (Fed. Cir. 1992), “[t]he combination of elements from non-analogous sources, in a manner that reconstructs the applicant’s invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness.” Applicant respectfully submits that Memmelaar is a “non-analogous source,” and that the Examiner’s rejection of claim 1 based on Memmelaar should, therefore, be withdrawn.

Claim 1, as amended, recites a gun rest comprising “a plate having a first end section, a second end section and an intermediate section, wherein the plate is bent at the intermediate section such that an angle from about 30° to about 90° is formed between the plane formed by the first end section of the plate and the plane formed by the second end section of the plate; and an opening formed in the first end section of the plate through which a shaft may be inserted; wherein the opening is configured and arranged to allow selective adjustment of the plate’s position along the length of the shaft.” Applicant submits that Memmelaar does not disclose, teach, or suggest a gun rest having a plate, an opening formed in the plate through which a shaft may be inserted, wherein the opening is configured and arranged to allow selective adjustment of the plate’s position along the length of the shaft. Instead, Memmelaar teaches away from such an apparatus.

The Examiner states that “Memmelaar discloses a plate (figure 1, element 18).” However, Memmelaar discloses a lid removal tool, wherein the hook member 18 is *fixedly attached* to a handle 12. For example, Memmelaar states that “the hook member 18 is . . . *welded* to the handle 12,” Memmelaar, Column 3, lines 14-15 (emphasis added), and that “[a] hook member 30 having an opening 32 therein is *fit welded* around the outer periphery of the handle member 26,” Memmelaar, Column 3, lines 42-44 (emphasis added). In addition, Memmelaar states that the hook member is “spaced a predetermined distance from the hammer member.” Memmelaar, Column 2, lines 26-28. Thus, Memmelaar makes clear that the position of the hook member 18 disclosed therein is not configured and arranged to allow selective adjustment of the hook member’s position along the length of the handle, but is, instead, fixedly attached at a single predetermined position on the handle via a welded connection. Therefore, Memmelaar does not disclose, teach, or suggest all of the limitations recited in claim 1 as amended, but, instead, teaches away from the limitations recited in claim 1. Applicant respectfully submits, for this additional reason, that the Examiner’s rejection of claim 1 based on Memmelaar should be withdrawn. *See In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984) (holding that the PTO failed to establish a *prima facie* case of obviousness where the cited prior art reference taught away from the proposed modification); MPEP § 2141.02 (“A prior art reference must be considered in its entirety, i.e.,

as a whole, including portions that would lead away from the claimed invention.”) (emphasis in original).

Applicant further submits that claims 2-11 depend from claim 1 and should be allowed for at least the reasons set forth above with respect to claim 1.

B. Memmelaar in view of U.S. Patent No. 5,829,731 to Dean (“Dean”)

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Memmelaar in view of Dean, which discloses a flagpole holder. Applicant notes that claim 2 depends from claim 1.

As shown above with respect to claim 1, Memmelaar is non-analogous and, in any case, does not disclose, teach, or suggest a gun rest having all of the limitations recited in claim 1 as amended. The disclosure of Dean does not remedy these deficiencies of Memmelaar. Thus, the Examiner’s rejection of claim 2 under 35 U.S.C. § 103(a) should be withdrawn for at least this reason.

The Examiner states that “it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a tear-drop shaped opening, as taught by Dean, in the gun rest disclosed by Memmelaar, to permit the rest to be used with shafts having a wide range of diameters.” As discussed above, however, Memmelaar does not disclose a gun rest, but, instead, discloses a non-analogous can opener. Further, with respect to claim 2, there is simply no motivation to combine the can opener of Memmelaar with the flagpole holder of Dean.

As discussed above, the disclosure of Memmelaar is directed to a can opener. Dean, on the other hand, is directed to “devices used to hold or display flags.” Dean, Column 1, lines 11-12. There is no motivation provided by these references to modify the can opener of Memmelaar with the completely different structure of the flagpole holder of Dean. As mentioned above, Memmelaar discloses and teaches that its hook member 18 is fixedly attached, via a welded connection, to a handle 12. In contrast, the tear-drop shaped opening

of Dean is shaped and sized to permit free movement of a flagpole therethrough. Dean, Column 4, lines 1-4. In light of these conflicting features of Memmelaar and Dean, there would be no motivation to, and in fact would be contrary to Memmelaar to, incorporate a tear-dropped shaped opening in the hook member of Memmelaar. *See* MPEP 2143.01 (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”). For this additional reason, Applicant respectfully submits that the rejection of claim 2 based on the combination of Memmelaar and Dean should be withdrawn.

C. Memmelaar in view of Dean and further in view of
 U.S. Patent No. 4,784,396 to Scott et al. (“Scott”)

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Memmelaar in view of Dean, and further in view of Scott, which discloses a retaining clip and gasket for an engine subassembly. Applicant notes that claim 3 depends from claims 1 and 2.

As shown above with respect to claim 1, Memmelaar is non-analogous art and, in any case, does not disclose, teach, or suggest a gun rest having all of the limitations recited in claim 1 as amended. The disclosures of Dean and Scott do not remedy these deficiencies of Memmelaar. Thus, the Examiner’s rejection of claim 3 under 35 U.S.C. § 103(a) should be withdrawn for at least this reason.

The Examiner states that “it would have been obvious to one having ordinary skill in the art at the time the invention was made to include teeth around at least a portion of the perimeter of an opening, as taught by Scott et al., in the gun rest disclosed by Memmelaar, as modified, in order to permit the rest to grip the shaft placed through the opening in the rest.” As discussed above, however, Memmelaar does not disclose a gun rest, but, instead, discloses a non-analogous can opener. Further, with respect to claim 3, there is simply no

motivation to combine the can opener of Memmelaar with the “Retaining Clip And Gasket For Engine Subassembly” of Scott.

As discussed above, the disclosure of Memmelaar is directed to a can opener. Scott, on the other hand, is directed to “a clip molded into a gasket for retaining parts of an engine subassembly together prior to its attachment to the engine proper.” Scott, Column 1, lines 2-5. There is no motivation provided by these references to combine these references or to modify the can opener of Memmelaar with the completely different structure of Scott. “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” MPEP § 2143.01.

As mentioned above, the hook member **18** of Memmelaar is fixedly attached, via a welded connection, to a handle **12**. Scott provides a sleeve with ridges or teeth **32** having a diameter providing an interference fit with the shank **34** of a bolt. Scott, Column 2, line 66 to Column 3, line 3. However, in contrast to Memmelaar, the sleeve portion **30** disclosed in Scott is designed to be “pliable enough to permit removal or insertion of the shank **34**.” Scott, Column 3, lines 3-5. In other words, the can opener disclosed in Memmelaar provides a fixed, welded connection between a hook member and a handle, while the clip and gasket apparatus for an engine subassembly of Scott provides a clip with a sleeve capable of *releasably* gripping a shaft. In light of these conflicting features of Memmelaar and Dean and the lack of any suggestion or teaching to combine these features to improve the can opener of Memmelaar, there is no motivation to combine these references and no motivation to combine them in the manner indicated by the Examiner by incorporating the teeth **32** of Scott with the opening **20** of Memmelaar. For this additional reason, Applicant respectfully submits that the rejection of claim 3 based on the combination of Memmelaar, Dean, and Scott should be withdrawn.

D. Memmelaar in view of Dean and further in view of U.S.

Patent No. 5,678,348 to Zielinski et al. (“Zielinski”)

Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Memmelaar in view of Dean, and further in view of Zielinski, which discloses a fishing

rod organizer. Applicant notes that claims 4 and 5 depend from claims 1 and 2 and that claim 5 depends from claim 4.

As shown above with respect to claim 1, Memmelaar is non-analogous art and, in any case, does not disclose, teach, or suggest a gun rest having all of the limitations recited in claim 1 as amended. The disclosures of Dean and Zielinski do not remedy these deficiencies of Memmelaar. Thus, the Examiner's rejection of claims 4 and 5 under 35 U.S.C. § 103(a) should be withdrawn for this reason.

The Examiner states that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to include at least one flexible gripping aid covering at least a portion of an opening, as taught by Zielinski et al., in the gun rest disclosed by Memmelaar, as modified, in order to hold the rest securely on a shaft." In addition, the Examiner states that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a flexible gripping aid containing a slit, as taught by Zielinski et al., in the gun rest disclosed by Memmelaar, as modified, in order to further secure the rest to a shaft." As discussed above, however, Memmelaar does not disclose a gun rest, but, instead, discloses a non-analogous can opener. Further, with respect to claims 4 and 5, there is simply no motivation to combine the can opener of Memmelaar with the fishing rod organizer of Zielinski.

As discussed above, the disclosure of Memmelaar is directed to a can opener. Zielinski, on the other hand, is directed to "a fishing rod organizer." Zielinski, Column 1, lines 4-5. There is no motivation provided by these references to modify the can opener of Memmelaar with the completely different structure of Zielinski. As mentioned above, the hook member **18** of Memmelaar is fixedly attached, via a welded connection, to a handle **12**. In contrast, the flexible gripping elements **60** of Zielinski are disposed one each in a plurality of slots **18-30** and are shaped and designed to permit periodic insertion and removal of fishing rods into and out of the slots. Zielinski, Column 4, lines 10-44. Moreover, each flexible gripping element **60** consists of a resilient foam element that is disposed between the fishing rod and the slot. Zielinski, Column 6, lines 21-26. In light of these conflicting

features of Memmelaar and Zielinski, there would be no motivation to combine these references at all and specifically no motivation to incorporate a resilient foam element within the opening of the hook member 18 of Memmelaar to be disposed between the hook member 18 and the handle 12 since doing so would prevent an adequate welded connection between the hook member 18 and the handle 12. *See* MPEP 2143.01 (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”). For this additional reason, Applicant respectfully submits that the rejection of claims 4 and 5 based on the combination of Memmelaar and Zielinski should be withdrawn.

E. Memmelaar in view of U.S. Patent No. 5,811,720
 to Quinnell et al. (“Quinnell”)

Claims 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Memmelaar in view of Quinnell. Applicant notes that claims 6-8 depend from claim 1.

As shown above with respect to claim 1, Memmelaar is non-analogous art and, in any case, does not disclose, teach, or suggest a gun rest having all of the limitations recited in claim 1 as amended. The disclosure of Quinnell does not remedy these deficiencies of Memmelaar. Thus, the Examiner’s rejection of claims 6-8 under 35 U.S.C. § 103(a) should be withdrawn for this reason.

The Examiner states that “it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a retaining device securing a gun rest to a shaft, as taught by Quinnell et al., in the rest disclosed by Memmelaar, as modified, in order to provide for the transfer of recoil energy upon firing of a firearm.” In addition, the Examiner states that “it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a retaining device in the form of a loop, as taught by Quinnell et al., formed onto the second end section of the gun rest disclosed by Memmelaar, to provide a point of attachment for a strap which transfers recoil energy and which secures

members of the gun rest assembly together.” Further, the examiner states that “[i]t would have been obvious to form . . . [an] opening, i.e. this retaining device, within a section of the rest rather than onto an end section of the rest, since rearranging elements of an invention involves only routine skill in the art.” As discussed above, however, Memmelaar does not disclose a gun rest, but, instead, discloses a non-analogous can opener. Further, with respect to claims 6-8, there is simply no motivation to combine the can opener of Memmelaar with the shooting rest with recoil reduction system of Quinnell.

As discussed above, the disclosure of Memmelaar is directed to a can opener. Quinnell, on the other hand, is directed to “a shooting rest for a rifle which acts to reduce the recoil produced when the rifle is fired.” Quinnell, Column 1, lines 11-12. There is no motivation provided by these references to combine the references and certainly no motivation to modify the can opener of Memmelaar with the completely different structure of Quinnell. For this additional reason, Applicant respectfully submits that the rejection of claims 6-8 based on the combination of Memmelaar and Quinnell should be withdrawn.

F. Memmelaar in view of U.S. Patent No. 6,276,087 to Singletary (“Singletary”)

Claims 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Memmelaar in view of Singletary. Applicant notes that claims 9-11 depend from claim 1 and that claims 10 and 11 depend from claim 9.

As discussed above with respect to claim 1, a person of ordinary skill in the art, seeking to solve the problem addressed by the present invention, would not look to Memmelaar since Memmelaar is non-analogous art to the present invention. Thus, the Examiner’s rejection of claims 9-11, which is based at least in part on Memmelaar, should be withdrawn for at least this same reason.

The Examiner states that “it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a mounting bracket, as taught by Singletary, for the gun rest disclosed by Memmelaar, to allow a shaft to be removably secured to any elevated stationary surface.” In addition, the Examiner states that “it would have been

obvious to one having ordinary skill in the art at the time the invention was made to include a mounting bracket with pressure plates and a receptacle perpendicular to the plates, as taught by Singletary, for the gun rest disclosed by Memmelaar, to allow a shaft to be removably secured to any elevated stationary surface.” Further, the examiner states that “[i]t would have been obvious to form . . . [an] opening, i.e. this retaining device, within a section of the rest rather than onto an end section of the rest, since rearranging elements of an invention involves only routine skill in the art.” As discussed above, however, Memmelaar does not disclose a gun rest, but, instead, discloses a non-analogous can opener. Further, with respect to claims 9-11, there is simply no motivation to combine the can opener of Memmelaar with the firearm support device of Singletary.

As discussed above, the disclosure of Memmelaar is directed to a can opener. Singletary, on the other hand, is directed to “a firearm support device.” Singletary, Column 1, lines 8-9. There is no motivation provided by these references to combine the references and certainly no motivation to modify the can opener of Memmelaar with the completely different structure of Singletary. In operation of the can opener of Memmelaar, “an initial upward thrust of the handle is used to pull the blade cutting edge through the slots or grooves in the lid edge, and a subsequent upward thrust of the handle is made after placing the lid edge between the blade end and the pair of hook ends.” Memmelaar, Column 2, lines 36-41. Thus, one skilled in the art would not look to Singletary for a mounting bracket to affix the handle of Memmelaar to a surface since free movement of the can opener handle in Memmelaar is central to the can opener’s operation. See MPEP § 2143.01 (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”). For this additional reason, Applicant respectfully submits that the rejection of claims 9-11 based on the combination of Memmelaar and Singletary should be withdrawn.

G. U.S. Patent No. 4,438,581 to LaValle ("LaValle") in view of
U.S. Patent No. 5,666,757 to Helmstadter ("Helmstadter")

Independent claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over LaValle in view of Helmstadter.

Claim 12, as amended, recites, among other things, "providing a gun rest which comprises a plate having a first end section, a second end section and an intermediate section, wherein the plate is bent at the intermediate section . . . ; and an opening formed in the first end section of the plate such that a shaft may be inserted through the opening; providing a shaft having a first end section and a second end section; inserting the shaft through the opening in the gun rest; placing the second end section of the shaft upon a surface; [and] slidably adjusting the position of the gun rest on the shaft to the desired height."

The Examiner states that "LaValle discloses . . . providing a gun rest (figure 1) which comprises a plate containing a first end section (element 1), a second end section (element 2), and an intermediate section (section between elements 1 and 2)." The Examiner recognized that "LaValle does not disclose that the opening is formed in the first end section of the plate." However, the Examiner states that "Helmstadter teaches a gun rest (figure 1, element 10) including an opening (figure 4, element 34; column 4, lines 57-59) formed in the first end section of a plate (element 11), which allows the plate to be easily angularly rotated and elevationally shifted on a shaft (column 5, lines 19-22)" The Examiner further states that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an opening in the first end section of the plate . . . , as taught by Helmstadter, in the method for improving the accuracy of a sportsman, as disclosed by LaValle, in order to allow the plate to be easily moved"

Applicant submits that LaValle does not disclose providing a gun rest which comprises a plate, an opening formed in the first end section of the plate, inserting a shaft through the opening, placing the second end section of the shaft upon a surface, and slidably adjusting the position of the gun rest on the shaft to the desired height. Instead, LaValle discloses a flat metal plate inclined surface 1 and a flat metal side plate 2, neither of which

provides an opening for insertion of a shaft therethrough. LaValle, Column 2, lines 10-13. LaValle further discloses an adjustable yoke member 5, which is carried by a metal sleeve 4 disposed away from plates 1 and 2 and which is locked in place by a set screw means 6. LaValle, Column 2, lines 14-20. LaValle teaches positioning the butt or handle of a handgun on the inclined surface 1 and placing the barrel of the handgun on the yoke member 5. LaValle, Column 2, lines 35-38. The yoke 5, which is purposely disposed away from plates 1 and 2, may then be adjusted for "approximate up-down sighting alignment." LaValle, Column 2, lines 28-41. Further, "[f]ine sighting is achieved by sliding the gun forward or backward on the inclined surface member 1, thus raising or lowering the sighting alignment slightly." LaValle, Column 2, lines 43-46. Clearly, the only opening suggested in LaValle (i) is within the metal sleeve 4, (ii) holds the yoke member 5, (iii) is purposely spaced away from plates 1 and 2, and (iv) provides means for moving the barrel of a handgun up or down with respect to its stationary butt or handle to permit up-down sighting alignment. LaValle, Column 2, lines 41-46. Thus, LaValle, by design and purpose, provides a single opening disposed away from plates 1 and 2 and does not provide an opening formed in the first end section of a plate, does not disclose, teach, or suggest inserting a shaft through the opening, does not disclose, teach, or suggest placing the second end section of the shaft upon a surface, and does not disclose, teach, or suggest slidably adjusting the position of the gun rest on the shaft to the desired height.

Applicant submits that Helmstadter does not remedy these deficiencies of LaValle since Helmstadter does not disclose all of the elements of claim 12 that are absent in LaValle. As the Examiner points out, Helmstadter discloses a circular hole 34 in a body member (*see* Figure 4; Column 4, lines 57-59). However, Helmstadter does not disclose, teach, or suggest inserting a shaft through the hole 34, placing a second end section of the shaft upon a surface, and slidably adjusting the position of the gun rest on the shaft to the desired height. Instead, Helmstadter discloses welding a bolt or stud 30 to a sleeve 28, applying various spacers and washers on the bolt, inserting the bolt through hole 34, applying a nut 37 to the end of the bolt 30, tightening the nut onto the bolt so that the body member 11 is held in position, and locking the nut in place with a lock screw 38. Helmstadter, Column 4, line 49 to Column 5, line 6. Thus, Helmstadter does not provide an opening formed in the

first end section of a plate, inserting a shaft through the opening, placing the second end section of the shaft upon a surface, and slidably adjusting the position of the gun rest on the shaft to the desired height. Accordingly, Applicant submits that LaValle and Helmstadter do not disclose, teach, or suggest, alone or in combination, all the claim limitations recited in claim 12. Accordingly, Applicant respectfully submits that the Examiner's rejection of claim 12 based on LaValle and Helmstadter should be withdrawn.

Applicant further submits that there is no motivation to combine the gun rests of LaValle and Helmstadter and that the Examiner's proposed modification and combination of LaValle and Helmstadter would significantly change the principle of operation of LaValle. As discussed above, LaValle provides an opening and a height-adjustable yoke member 5 located *away* from plate 1 of LaValle in order to permit up-down sighting alignment of a handgun. Thus, the proposed modification of LaValle to include an opening *in* the first end section of the plate 1 would significantly modify the principle of operation of LaValle. Such a combination is not sufficient to render claim 12 obvious. *See* MPEP § 2143.01 ("If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious."). Applicant respectfully submits that the Examiner's rejection of claim 12 based on the combination of LaValle and Helmstadter should be withdrawn for this additional reason.

Claim 12 as amended further recites "placing the forearm of a firearm on the gun rest at the intermediate section such that the forearm of the firearm is cradled between the first end section of the plate and the second end section of the plate." Applicant submits that neither LaValle nor Helmstadter disclose, teach, or suggest such a step. LaValle clearly teaches placing the butt or handle of a handgun on surface 1 (Column 2, lines 35-37) and placing the "fore-end or barrel" of a handgun on the yoke member 5 -- away from surface 1 and not cradled between the first metal plate 1 and the second metal plate 2. (Column 1, lines 41-46; Column 2, lines 37-38). As mentioned above, such a configuration of LaValle allows up-down sighting alignment. Likewise, Helmstadter teaches placing the barrel of a firearm

into “a forward U-shaped assembly or cradle member” instead of between the body member 11 and another component of the gun rest 10. Helmstadter, Column 1, lines 11-14. Thus, Applicant submits that neither LaValle nor Helmstadter disclose, teach, or suggest placing the forearm of a firearm on a gun rest at an intermediate section such that the forearm of the firearm is cradled between a first end section of a plate and a second end section of the plate. Accordingly, Applicant respectfully submits that for this additional reason the Examiner’s rejection of claim 12 based on LaValle and Helmstadter should be withdrawn.

Applicant further submits that claims 13-22 depend from claim 12 and should be allowed for at least the reasons set forth above with respect to claim 12.

H. LaValle in view of Helmstadter, and further in view of Dean

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over LaValle in view of Helmstadter as applied to claim 12, and further in view of Dean. Applicant notes that claim 13 depends from claim 12.

As shown above with respect to claim 12, LaValle and Helmstadter do not disclose, teach, or suggest a gun rest having all of the limitations recited in claim 12 as amended. The disclosure of Dean does not remedy these deficiencies of LaValle and Helmstadter. Thus, the Examiner’s rejection of claim 13 under 35 U.S.C. § 103(a) should be withdrawn for this reason.

Applicant submits that there is no motivation to combine the gun rests of LaValle and Helmstadter and the flagpole holder of Dean. None of these references includes any teaching, suggestion, or motivation for such a combination, and the Examiner does not state that such a suggestion or motivation exists. Thus, the Examiner’s rejection of claim 13 under 35 U.S.C. § 103(a) should be withdrawn for this additional reason.

I. LaValle in view of Helmstadter and Dean,
and further in view of Scott

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over LaValle in view of Helmstadter and Dean, and further in view of Scott. Applicant notes that claim 14 depends from claim 13, which depends from claim 12.

As shown above with respect to claims 12 and 13, LaValle, Helmstadter, and Dean do not disclose, teach, or suggest a gun rest having all of the limitations recited in claim 12 as amended. The disclosure of Scott does not remedy these deficiencies of LaValle, Helmstadter, and Dean. Thus, the Examiner's rejection of claim 14 under 35 U.S.C. § 103(a) should be withdrawn for this reason.

Applicant submits that there is no motivation to combine the gun rests of LaValle and Helmstadter, the flagpole holder of Dean, and the retaining clip and gasket for an engine subassembly of Scott. None of these references includes any teaching, suggestion, or motivation for such a combination, and the Examiner does not state that such a suggestion or motivation exists. Thus, the Examiner's rejection of claim 14 under 35 U.S.C. § 103(a) should be withdrawn for this additional reason.

J. LaValle in view of Helmstadter and Dean,
and further in view of Zielinski

Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LaValle in view of Helmstadter and Dean, and further in view of Zielinski. Applicant notes that claims 15 and 16 depend from claim 13, that claim 13 depends from claim 12, and that claim 16 depends from claim 15.

As shown above with respect to claims 12 and 13, LaValle, Helmstadter, and Dean do not disclose, teach, or suggest a gun rest having all of the limitations recited in claim 12 as amended. The disclosure of Zielinski does not remedy these deficiencies of LaValle,

Helmstadter, and Dean. Thus, the Examiner's rejection of claims 15 and 16 under 35 U.S.C. § 103(a) should be withdrawn for this reason.

Applicant submits that there is no motivation to combine the gun rests of LaValle and Helmstadter, the flagpole holder of Dean, and the fishing rod organizer of Zielinski. None of these references includes any teaching, suggestion, or motivation for such a combination, and the Examiner does not state that such a suggestion or motivation exists. Thus, the Examiner's rejection of claims 15 and 16 under 35 U.S.C. § 103(a) should be withdrawn for this additional reason.

K. LaValle in view of Helmstadter, and further in view of Quinnell

Claims 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LaValle in view of Helmstadter, and further in view of Quinnell. Applicant notes that claim 17 depends from claim 12, and that claims 18 and 19 depend from claim 17.

As shown above with respect to claim 12, LaValle and Helmstadter do not disclose, teach, or suggest a gun rest having all of the limitations recited in claim 12 as amended. The disclosure of Quinnell does not remedy these deficiencies of LaValle and Helmstadter. Thus, the Examiner's rejection of claims 17-19 under 35 U.S.C. § 103(a) should be withdrawn for this reason.

Applicant submits that there is no motivation to combine the gun rests of LaValle, Helmstadter, and Quinnell. None of these references includes any teaching, suggestion, or motivation for such a combination, and the Examiner does not state that such a suggestion or motivation exists. Thus, the Examiner's rejection of claims 17-19 under 35 U.S.C. § 103(a) should be withdrawn for this additional reason.

L. LaValle in view of Helmstadter, and further in view of Singletary

Claims 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LaValle in view of Helmstadter, and further in view of Singletary. Applicant notes that

claim 20 depends from claim 12, claim 21 depends from claim 20, and claim 22 depends from claim 21.

As shown above with respect to claim 12, LaValle and Helmstadter do not disclose, teach, or suggest a gun rest having all of the limitations recited in claim 12 as amended. The disclosure of Singletary does not remedy these deficiencies of LaValle and Helmstadter. Thus, the Examiner's rejection of claims 20-22 under 35 U.S.C. § 103(a) should be withdrawn for this reason.

Applicant submits that there is no motivation to combine the gun rests of LaValle, Helmstadter, and Singletary. None of these references includes any teaching, suggestion, or motivation for such a combination, and the Examiner does not state that such a suggestion or motivation exists. Thus, the Examiner's rejection of claims 20-22 under 35 U.S.C. § 103(a) should be withdrawn for this additional reason.

M. Memmelaar in view of U.S. Patent No. 6,050,035
 to Thompson et al. ("Thompson")

Independent claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Memmelaar in view of Thompson, which discloses a unitized seismic bracket.

As discussed above with respect to claim 1, a person of ordinary skill in the art, seeking to solve the problem addressed by the present invention, would not look to Memmelaar since Memmelaar is non-analogous art to the present invention. Thus, the Examiner's rejection of claim 23, which is based at least in part on Memmelaar, should be withdrawn for this same reason.

Claim 23, as amended, recites "A gun rest comprising: a plate having a first end section, a second end section, an intermediate section and two sides extending between the first end section and the second end section, wherein the plate is bent at the intermediate

section such that an angle from about 30° to about 90° is formed between the plane formed by the first end section of the plate and the plane formed by the second end section of the plate; and an opening formed in the first end section of the plate, wherein the opening extends to one side of the plate.”

The Examiner states that “Memmelaar discloses a plate (figure 1, element 18) containing a first end section (end section of element 18 including opening 20), a second end section (section 22) and an intermediate section (bent region of element 18) and two sides extending between the first end section and the second end section (figure 1), wherein the plate is bent at the intermediate section such that an angle is formed between the plane formed by the first end section of the plate and the plane formed by the second end section of the plate (figure 1); and an opening (opening 20) formed in the first end section of the plate.” The Examiner also states that “Memmelaar does not disclose that the opening extends to one side of the plate (as the term “commutes” is here interpreted to mean).” The Examiner further states that “it would have been obvious to one having ordinary skill in the art to include an opening extending to one side of a plate, as taught by Thompson et al., in the gun rest disclosed by Memmelaar, so that the rest could be slid horizontally onto a shaft.” As discussed above, however, Memmelaar does not disclose a gun rest, but, instead, discloses a non-analogous can opener. Further, with respect to claim 23, there is simply no motivation to combine the can opener of Memmelaar with the unitized seismic bracket of Thompson.

In addition, there is no motivation provided by these references to modify the can opener of Memmelaar with the completely different structure of Thompson. As mentioned above, the hook member **18** of Memmelaar is fixedly attached, via a welded connection, to a handle **12**. In contrast, the seismic bracket disclosed in Thompson is attached to a bolt or rod **55** with a much more complex attachment mechanism. For example, the seismic bracket is generally attached to the bolt or rod **55** via at least four separate components: a base bracket **31**, an overlapping locking bracket **32**, and two tightened nuts **65**. Thompson, Column 3, lines 6-13; Figure 2. Thus, the proposed modification of the can opener of Memmelaar with the more complex structure of Thompson would likely overly complicate the structure and assembly of the can opener and would, therefore, not be desirable. In light of these conflicting features of Memmelaar and Thompson, there would be

no motivation to incorporate the more complex structure of Thompson in the hook member of Memmelaar. *See* MPEP § 2143.01 (“The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.”). For this additional reason, Applicant respectfully submits that the rejection of claim 23 based on the combination of Memmelaar and Thompson should be withdrawn.

Applicant further submits that claims 24-30 depend from claim 23 and should be allowed for at least the reasons set forth above with respect to claim 23.

N. Memmelaar in view of Thompson, and further in view of Dean

Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Memmelaar in view of Thompson, and further in view of Dean. Applicant notes that claim 24 depends from claim 23.

As discussed above with respect to claim 1, a person of ordinary skill in the art, seeking to solve the problem addressed by the present invention, would not look to Memmelaar since Memmelaar is non-analogous art to the gun rest of claim 24. Thus, the Examiner’s rejection of claim 24, which is based at least in part on Memmelaar, should be withdrawn for this same reason.

As discussed above with respect to claim 2, there is no motivation to incorporate the tear-drop shaped opening of Dean in the hook member of Memmelaar. Thus, Applicant respectfully submits that the Examiner’s rejection of claim 24 under 35 U.S.C. § 103(a), which is based at least in part on the combination of Dean and Memmelaar, should be withdrawn for this additional reason.

As discussed above with respect to claim 23, there is no motivation to combine the can opener of Memmelaar with the seismic bracket of Thompson. Thus, Applicant respectfully submits that the Examiner’s rejection of claim 24 under

35 U.S.C. § 103(a), which is based at least in part on the combination of Thompson and Memmelaar, should be withdrawn for this additional reason.

Applicant submits that there is no motivation to combine the can opener of Memmelaar, the seismic bracket of Thompson, and the flagpole holder of Dean. None of these references includes any teaching, suggestion, or motivation for such a combination, and the Examiner does not state that such a suggestion or motivation exists. Thus, Applicant respectfully submits that the Examiner's rejection of claim 24 under 35 U.S.C. § 103(a) should be withdrawn for this additional reason.

O. Memmelaar in view of Thompson and Dean, and further in view of Scott

Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Memmelaar in view of Thompson and Dean as applied to claim 24 above, and further in view of Scott. Applicant notes that claim 25 depends from claim 24, which depends from claim 23 and is allowable for all the same reasons as claim 24.

As discussed above with respect to claim 1, a person of ordinary skill in the art, seeking to solve the problem addressed by the gun rest of claim 25, would not look to Memmelaar since Memmelaar is non-analogous art to the gun rest of claim 25. Thus, the Examiner's rejection of claim 25, which is based at least in part on Memmelaar, should be withdrawn for this same reason.

As discussed above with respect to claim 2, there is no motivation to incorporate the tear-drop shaped opening of Dean in the hook member of Memmelaar. Thus, Applicant respectfully submits that the Examiner's rejection of claim 25 under 35 U.S.C. § 103(a), which is based at least in part on the combination of Dean and Memmelaar, should be withdrawn for this additional reason.

As discussed above with respect to claim 3, there is no motivation to combine the can opener of Memmelaar with the retaining clip and gasket for an engine subassembly of

Scott. Thus, Applicant respectfully submits that the Examiner's rejection of claim 25 under 35 U.S.C. § 103(a), which is based at least in part on the combination of Scott and Memmelaar, should be withdrawn for this additional reason.

As discussed above with respect to claim 23, there is no motivation to combine the can opener of Memmelaar with the seismic bracket of Thompson. Thus, Applicant respectfully submits that the Examiner's rejection of claim 25 under 35 U.S.C. § 103(a), which is based at least in part on the combination of Thompson and Memmelaar, should be withdrawn for this additional reason.

Applicant submits that there is no motivation to combine the can opener of Memmelaar, the seismic bracket of Thompson, the flagpole holder of Dean, and the retaining clip and gasket for an engine subassembly of Scott. None of these references includes any teaching, suggestion, or motivation for such a combination, and the Examiner does not state that such a suggestion or motivation exists. Thus, Applicant respectfully submits that the Examiner's rejection of claim 25 under 35 U.S.C. § 103(a) should be withdrawn for this additional reason.

P. Memmelaar in view of Thompson and Dean, and further in view of Zielinski
Claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Memmelaar in view of Thompson and Dean as applied to claim 24 above, and further in view of Zielinski. Applicant notes that claim 26 depends from claim 24, which depends from claim 23, and that claim 27 depends from claim 26, and that claims 26 and 27 are allowable for all the same reasons as claim 24.

As discussed above with respect to claim 1, a person of ordinary skill in the art, seeking to solve the problem addressed by the gun rests of claims 26 and 27, would not look to Memmelaar since Memmelaar is non-analogous art to the gun rests of claims 26 and 27. Thus, the Examiner's rejection of claims 26 and 27, which is based at least in part on Memmelaar, should be withdrawn for this same reason.

As discussed above with respect to claim 2, there is no motivation to incorporate the tear-drop shaped opening of Dean in the hook member of Memmelaar. Thus, Applicant respectfully submits that the Examiner's rejection of claims 26 and 27 under 35 U.S.C. § 103(a), which is based at least in part on the combination of Dean and Memmelaar, should be withdrawn for this additional reason.

As discussed above with respect to claims 4 and 5, there is no motivation to combine the can opener of Memmelaar with the fishing rod organizer of Zielinski. Thus, Applicant respectfully submits that the Examiner's rejection of claims 26 and 27 under 35 U.S.C. § 103(a), which is based at least in part on the combination of Zielinski and Memmelaar, should be withdrawn for this additional reason.

As discussed above with respect to claim 23, there is no motivation to combine the can opener of Memmelaar with the seismic bracket of Thompson. Thus, Applicant respectfully submits that the Examiner's rejection of claims 26 and 27 under 35 U.S.C. § 103(a), which is based at least in part on the combination of Thompson and Memmelaar, should be withdrawn for this additional reason.

Applicant submits that there is no motivation to combine the can opener of Memmelaar, the seismic bracket of Thompson, the flagpole holder of Dean, and the fishing rod organizer of Zielinski. None of these references includes any teaching, suggestion, or motivation for such a combination, and the Examiner does not state that such a suggestion or motivation exists. Thus, Applicant respectfully submits that the Examiner's rejection of claims 26 and 27 under 35 U.S.C. § 103(a) should be withdrawn for this additional reason.

Q. Memmelaar in view of Thompson, and further in view of Quinnelli

Claims 28-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Memmelaar in view of Thompson as applied to claim 23, and further in view of Quinnelli. Applicant notes that claim 28 depends from claim 23, and that claims 29 and 30 depend from claim 28.

As discussed above with respect to claim 1, a person of ordinary skill in the art, seeking to solve the problem addressed by the gun rests of claims 28-30, would not look to Memmelaar since Memmelaar is non-analogous art to the gun rests of claims 28-30. Thus, the Examiner's rejection of claims 28-30, which is based at least in part on Memmelaar, should be withdrawn for this same reason.

As discussed above with respect to claims 6-8, there is no motivation to combine the can opener of Memmelaar with the shooting rest with recoil reduction system of Quinnell. Thus, Applicant respectfully submits that the Examiner's rejection of claims 28-30 under 35 U.S.C. § 103(a), which is based at least in part on the combination of Memmelaar and Quinnell, should be withdrawn for this additional reason.

As discussed above with respect to claim 23, there is no motivation to combine the can opener of Memmelaar with the seismic bracket of Thompson. Thus, Applicant respectfully submits that the Examiner's rejection of claims 28-30 under 35 U.S.C. § 103(a), which is based at least in part on the combination of Thompson and Memmelaar, should be withdrawn for this additional reason.

Applicant submits that there is no motivation to combine the can opener of Memmelaar, the seismic bracket of Thompson, and the gun rest of Quinnell. None of these references includes any teaching, suggestion, or motivation for such a combination, and the Examiner does not state that such a suggestion or motivation exists. Thus, Applicant respectfully submits that the Examiner's rejection of claims 28-30 under 35 U.S.C. § 103(a) should be withdrawn for this additional reason.

VI. ADDITIONAL CLAIM AMENDMENTS

Claims 1, 12, and 23 have been amended to replace the term "containing" with the term "having." Applicant submits that these amendments to the claims above are for clarity, do not narrow the claims in any way, and should not be construed to have an estoppel

effect on the interpretation and/or scope of the claims. No new matter has been added by these amendments.

Claims 1, 12, and 23 have each been amended by deleting the words “the plane formed by” in order to clarify that the claimed angle refers to the interior angle formed between the first end section of the plate and the second end section of the plate. Applicant submits that these amendments to the claims above are for clarity, do not narrow the claims in any way, and should not be construed to have an estoppel effect on the interpretation and/or scope of the claims. No new matter has been added by these amendments.

Claim 12 has been amended by adding the words “the method” in the preamble. This amendment is for clarity, does not narrow the claim in any way, and should not be construed to have an estoppel effect on the interpretation and/or scope of the claim. No new matter has been added by this amendment.

Claim 12 has further been amended by deleting “the first end section of” from claim 12 at page 11, line 18. This amendment has been made to provide greater protection for the method of claim 12. This amendment does not narrow the claim in any way and should not be construed to have an estoppel effect on the interpretation and/or scope of the claim. No new matter has been added by this amendment.

Dependent claims 13-22 have been amended to more clearly refer to the claims from which they depend. For example, claim 13 has been amended to replace “gun rest according to claim 12” with “method of claim 12” to clarify that claim 13 further modifies the method of claim 12. Once again, Applicant submits that these amendments to the claims above are for clarity, do not narrow the claims in any way, and should not be construed to have an estoppel effect on the interpretation and/or scope of the claims. No new matter has been added by these amendments.

Dependent claims 18 and 19 have been amended by adding “of the plate” to claim 18 at page 12, line 8 and to claim 19 at page 12, line 11. These amendments to claims 18 and 19 are for clarification only, merely make express what was implicit in these claims as originally worded, and do not affect the patentability or scope of these claims. *See Interactive Pictures Corp. v. Infinite Pictures, Inc.*, 274 F.3d 1371, 1377-78 (Fed. Cir. 2001) (an amendment that merely makes explicit what was implicit in a claim is not a narrowing amendment, is not made for a substantial reason related to patentability, and does not create prosecution history estoppel).

VII. NEW CLAIMS

New claims 31-38 have been added to provide further protection for the gun rest described in the present specification. Applicant submits that new claims 31-38 are patentable over all of the references cited by the Examiner because none of these references, either alone or in combination, provide all of the elements recited in the new claims. The new claims fully meet all statutory requirements for patentability and are fully supported by the specification as originally filed. No new matter has been added.

VII. CONCLUSION

Applicant respectfully submits that all pending claims comply with the requirements of 35 U.S.C. § 112, that all pending claims are allowable over the cited references, and that no new matter has been added by any amendment made herein. Accordingly, this application is now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree that all claims are allowable, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and to accelerate the allowance of the above-identified application.

Please charge any required fees for this submission to Pennie & Edmonds LLP
deposit account no. 16-1150.

Respectfully submitted,

Date August 5, 2002

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